APPENDIX A

Form LM-2
(JANUARY 1960)
FILE 2 COPIES

U.S. DEPARTMENT OF LABOR
BUREAU OF LABOR-MANAGEMENT REPORTS
WASHINGTON 25, D.C.

LABOR ORGANIZATION FINANCIAL REPORT

Act of September 14, 1959, Public Law 86-257

Section 201 of the Labor-Management Reporting and Disclosure Act of 1959 requires that every labor organization subject to the act shall file with the Secretary of Labor a financial report in such detail as may be necessary accurately to disclose its financial condition and operations for its preceding fiscal year. Such report must be filed within 90 days after the end of the organization's fiscal year. The use of this form is required for financial reports of all such labor organizations except those labor organizations which are authorized by law to file a simplified report on Form LM-3, or a modification of this form.

See accompanying instructions for help in filling out the form.

1 FULL NAME OF REPORTING LABOR ORGANIZATION (Include local Number, if any) AND MAILING ADDRESS (Street number, city, zone, State)

International Hod Carriers, Builders & common Labor Union
Local #125
29 Fifth Avenue
Youngstown 3, Ohio

2 IF LESS THAN 12 MONTHS IN THIS REPORT ARE KEPT THERE, CHECK BOX ☐ ADDRESS IN ITEM 1

3 FINANCIAL REPORT FOR FISCAL YEAR ENDING: December 31, 1961

4 LABOR DEPARTMENT FILE NO. (Enter the file no. furnished on the Department's acknowledgment of receipt of Form LM-1): 034778

Form LM-2

SCHEDULES FOR STATEMENT OF RECEIPTS AND DISBURSEMENTS

Schedule F—DISBURSEMENTS TO OFFICERS AND EMPLOYEES

(a) OFFICERS.—List salary, allowances, and other direct or indirect disbursements (including reimbursed expenses) to each officer during the fiscal year.

NAME (A)	TITLE (B)	SALARY (C)	ALLOWANCES (D)	OTHER DIRECT AND INDIRECT DISBURSEMENTS: EXPENSES, INCLUDING REIMBURSED EXPENSES (E)	OTHER DISBURSEMENTS (Cash or Non-Cash) (F)
1.					
2. William Proverbs	President	$ 865.80	$ -0-	$ 705.00	$
3. James Southerland	Vice-President	390.68	-0-	440.00	
4. Ernest White	Recording Sec't'y.	736.40	-0-	300.00	
5. Martin Mason	Financial Sec't'y.	6,500.00	2,000.00	790.00	
6. Three (3) Members	Executive Board	770.56	-0-	-0-	
7. Three (3) Members	Trustees	720.00	-0-	-0-	
8. Cecil Dial	Business-Agent	6,240.00	2,000.00	775.00	
9. Totals from additional listings (if any)					
10. Totals of items 1 through 9		$ 16,223.44	$ 4,000.00	$ 3,010.00	$ -0-

U. S. DEPARTMENT OF LABOR
Bureau of Labor-Management Reports
Washington 25, D.C.

READ INSTRUCTIONS CAREFULLY BEFORE COMPLETING THIS FORM

1. NAME OF LABOR ORGANIZATION (Include local name if any)

International Hod Carriers, Builders and Common Labor Union Local #125 (AFL-CIO)

Calendar Year Ended Dec. 31 2

Name (A)	Title (B)	Status (C)	Disbursements to Officers (D)	Disbursements for Allowances and Other Expenses (E)	Disbursements for Salaries and Other Expenses (F)	Total Disbursements (G)
William Proverbs	Pres.	C.	$ 763	---	521	1 284
James Southerland	VP	C.	240	---	191	431
Martin Mason	F.Sec.	C.	6500	1 960	1418	9 878
Ernest Waite	R. Sec.	C.	600	---	200	800
Cecil Dial	B.Agt.	C.	6240	1-960	687	8 887
Exec. Board (3 members)		C.	724	---	---	724
Trustees (3 members)		C.	720	---	---	720
8 Total from Additional Sheets (if any)						
9 Totals (Lines 1 through 8)			$ 15 787	3 920	3067	24 774

U. S. DEPARTMENT OF LABOR
Bureau of Labor Management Reports
Washington 25, D.C.

LABOR ORGANIZATION ANNUAL REPORT

FORM LM-2 (Revised)

READ INSTRUCTIONS CAREFULLY BEFORE PREPARING REPORT

1. NAME OF LABOR ORGANIZATION (Include local number and affiliation, if any.)
International Hod Carriers, Builders and Common Labor Union Local #125 (AFL-CIO)

2. PERIOD COVERED BY THIS REPORT From Jan. 1 To Dec. 31

3. EMPLOYER NO.

SCHEDULE 8—DISBURSEMENTS TO OFFICERS (See Instructions, Item 56)

Name (A)	Title (B)	Status (C)	Gross Salary (before taxes and other deductions) (D)	Allowances (E)	Other Direct and Indirect Disbursements: Expenses Including Reimbursed Expenses (F)	Other Disbursements (G)	Total (H)
1. William Proverbs	Pres.	P	$ 300	$ 70	$	$	$
2. Ralph Thomas	Pres.	N	328	70			
3. James Southerland	V.P.	C	240	240			
4. Martin Mason	F.Sec.	C	7 301	1 670			
5. Ernest White	R.Sec.	C	657	240	988		
6. Cecil Dial	B.Agt.	P	3 818	1 510			
7. Andrew Jackson	B.Agt.	N	3 105	35			
8. Total from Additional Listings, if any							
9. Totals of lines 1 through 8			$ 15 749	$ 3 635	$ 988	$	$

APPENDIX B

Category I

Cases in which the Secretary (1) obtained court orders and/or stipulations providing that a rerun election or the next regularly scheduled union election would be conducted in compliance with the Act and, in most cases, under the supervision of the Secretary; or (2) was otherwise satisfied that the union would take or had taken steps to remedy violations.

1. Independent Petroleum Workers Union of Bayway, New Jersey, Linden, New Jersey. : July 23, 1960, D.N.J. Election invalidated by a consent decree on June 10, 1961. New election ordered supervised by Secretary.

2. United Association of Journeymen and Apprentices of the Plumbing and Pipe-Fitting Industry of the United States and Canada, Local 188, Savannah, Georgia. : September 9, 1960, D.Ga. at Augusta. Election invalidated by a consent decree on September 6, 1961. New election ordered supervised by the Secretary.

3. Independent Workers Union of Florida, Jacksonville, Florida. : September 28, 1960, D.Fla. at Jacksonville. Election invalidated by court order on January 4, 1961. New election ordered supervised by Secretary.

4. National Maritime Union, New York, New York. : October 3, 1960, S.D. N.Y. Case withdrawn by Secretary on October 27, 1961. Union stipulated it would conduct future elections in strict accordance with law.

5. Banana Handlers of the International Longshoremen's Association, Local No. 1800, New Orleans, Louisiana: : October 14, 1960, D. La. at New Orleans. Election invalidated by a consent decree on September 13, 1961. New election ordered supervised by the Secretary.

6. International Association of Machinists, District Lodge No. 70, Wichita, Kans. : October 22, 1960, D. Kans. at

Wichita. March 12, 1963, stipulation entered into and approved by the court provided that the Secretary supervise new nominations and a new election for the offices of directing representative and secretary-treasurer.

7. International Longshoremen's Association, Great Lakes District, Buffalo, N.Y. : December 23, 1960, W.D.N.Y. at Buffalo. Pursuant to judgment entered on December 18, 1962, and a stipulation approved by the court, a rerun delegate election of officers was held on March 1, 1963.

8. Laborers' International Union of North America, Local 1142, Pascagoula, Mississippi. : February 8, 1961, S.D. Miss. S.Div. Election rerun June 17, 1961, on union's initiative. Case dismissed October 3, 1961, on basis of stipulation that violations had been remedied.

9. Amarillo General Drivers, Warehousemen and Helpers Local Union No. 577, International Brotherhood of Teamsters, Amarillo, Tex. : May 26, 1961, N. D. Tex. March 19, 1963, ordered new nominations and a new election for the offices of secretary-treasurer and business manager, vice president, recording secretary, and trustee.

10. Communications Workers of America, Local 9201, Portland, Oregon. : May 29, 1961, D. Ore. December 13, 1961, election invalidated by a consent decree. New election ordered supervised by Secretary.

11. Local 78, International Brotherhood of Teamsters, Oakland, Cal. : June 1, 1961, N. D. Cal. Pursuant to stipulation filed by the parties and approved by the court on August 9, 1963, the suit was dismissed. The union stipulated, without admitting the violations alleged in the complaint, that it would conduct all future union officer elections in accordance with its constitution as amended, or as may be amended, and in compliance with the LMRDA.

12. Association Insular De Guardianes De Puerto Rico, Ind., Puerto de Tierra, San Juan. : June 9, 1961, D.P.R.

Election invalidated by consent decree on August 3, 1961. New election ordered supervised by Secretary.

13. Marine Cooks and Stewards Union, San Francisco, Cal. : June 23, 1961, N.D. Cal., S. Div. Stipulation entered on February 14, 1962, agreeing to rerun election and to submitting question of whether permit members should vote, and whether absentee voting should be allowed for decision of court. Court's opinion, denying permit members right to vote and holding absentee balloting should be allowed, entered on May 17, 1962. June 6, 1962, ordered new election.

14. Union de Trabajadores de la Industria Azucarera y Ramas Anexas de la Central Santa Juana, affiliated with Packinghouse Syndicate District No. 9, Caguaz, Puerto Rico. : August 11, 1961, D.C.P.R. Election invalidated by a consent decree on November 16, 1961. New election ordered supervised by the Secretary.

15. Local Union No. 80, Operative Plasterers' and Cement Masons' International Association, AFL-CIO, Cleveland, Ohio. : September 11, 1961, N.D. Ohio. March 14, 1963, stipulation filed which provides that the Secretary shall supervise nominations and a rerun election of officers.

16. Trico Workers Union, Independent, Buffalo, N.Y. : September 25, 1961, W.D. N.Y. March 27, 1963, stipulation entered into resolving dispute over union election procedures. March 4, 1963, election conducted in conformity with amended constitution and bylaws.

17. District Council 21, Brotherhood of Painters, Decorators, and Paperhangers of America, Philadelphia, Pa.: October 10, 1961, E.D. Pa. April 23, 1963, stipulation approved by the court provided that the Secretary supervise nominations and all other phases of an election for the office of secretary-treasurer June 29, 1963.

18. Local 659, International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators, Los

Angeles, Cal. : November 24, 1961, S.D. Cal., Cent. Div. Pursuant to an order of the court entered on September 10, 1963, and a stipulation filed by the parties and approved by the court, the union was given 90 days to amend its constitution and bylaws to eliminate provisions authorizing its business representative to perform executive functions; the union also agreed not to permit any person not an officer and not elected by secret ballot to perform executive functions. On March 17, 1964, the court signed a stipulation for dismissal and order thereon, to the effect that the union had filed a certified copy of its amendment resolution.

19. Amalgamated Local Union No. 355, Jackson Heights, N.Y. : November 28, 1961, E.D.N.Y. Stipulation entered into and approved by the court on January 14, 1963, provided that the union would amend its constitution and hold nominations and an election of officers under the supervision of the Secretary.

20. Brotherhood of Railway Carmen of America, Argentine Lodge 850, Kansas City, Kans. : December 18, 1961, D.Kans. October 8, 1962, ordered that the regular election of officers to be held in December, 1962, be supervised by the Secretary.

21. Carpenters' District Council for Cuyahoga, Lake, Geauga and Ashtabula Counties, Cleveland, Ohio. : April 13, 1962, N.D. Ohio, E. Div. April 11, 1963, stipulation entered into which provides that the Secretary shall supervise the regular nominations and election scheduled to take place during May through July, 1963.

22. Local 88, International Organization of Masters, Mates and Pilots, New York, N.Y. : June 4, 1962, S.D.N.Y. Stipulation filed on May 27, 1963, provided that the American Arbitration Association, under the supervision of the Secretary, would count the ballots cast in the 1961 election by all probationary members with at least 1 year's mem-

bership in the union prior to December 10, 1961, and that all restrictions on the right of probationary members to vote have been removed. The ballot count was held on May 31, 1963.

23. Union de Trabajadores de la Industria Azucarera, Fase Agricola, Guayama, Inc., Local 804 (affiliated with the Packinghouse Workers Syndicate, District No. 9 of Puerto Rico,) Guayama, P.R. : July 6, 1962, D.P.R. December 26, 1962, ordered new nominations and rerun election of officers under the Secretary's supervision.

24. Red Jacket Lodge No. 85, Locomotive Firemen and Enginemen, Buffalo, N.Y. : July 9, 1962, W.D.N.Y. The suit was dismissed July 24, 1964, after the union stipulated that it would comply with the provisions of the LMRDA in the conduct of future elections.

25. Local 1752, International Longshoremen's Association, Moss Point, Miss. : July 9, 1962, S.D. Miss., S. Div. Pursuant to an order of the court entered on December 16, 1963, and a stipulation filed by the parties and approved by the court, an election was held January 9, 1964, under the Secretary's supervision.

26. Old Hickory Rayon Employees' Council, Old Hickory, Tenn. : August 3, 1962, Mid. Dist. Tenn., Nashville Div. Pursuant to an order of the court entered on September 28, 1962, and a stipulation filed by the parties and approved by the court, rerun elections were conducted on October 15, 16, and 30, 1962.

27. Local 611, Laborers' International Union of North America, New Britain, Conn. : November 13, 1962, D. Conn. On August 25, 1964, the court ordered the action held in abeyance for 75 days to permit the parties to settle the matter. By agreement with the union, the Secretary assisted in the conduct of a new election on September 10, 1964.

28. Local 1470, International Brotherhood of Electrical Workers, Kearny, N.J. : December 13, 1962, D.N.J. On April 28, 1965, the court ordered the union to conduct an election of its officers for a full constitutional term of office under the Secretary's supervision. The order was based upon an April 28, 1965, stipulation between the parties.

29. Local 550, Hotel & Restaurant Employees & Bartenders International Union, Bakersfield, Cal. : February 15, 1963, S. Dist. Cal., N. Div. March 4, 1963, complaint dismissed, pursuant to agreement. It was agreed that the Secretary supervise the rerun of nominations and election.

30. Local 1191, Laborers' International Union of North America, Detroit, Mich. : April 12, 1963, E.D. Mich., S. Div. Pursuant to a stipulation filed by the parties and approved by the court, an election was held May 9-16, 1964, under the Secretary's supervision.

31. Local 191, International Brotherhood of Teamsters, Bridgeport, Conn. : April 19, 1963, D. Conn. at Hartford. The court signed an order directing a rerun of the election for the office of secretary-treasurer under the Secretary's supervision within 60 days.

32. Local 560, International Brotherhood of Teamsters, Union City, N.J. : June 3, 1963, D.N.J. On September 24, 1965, the court ordered the union to conduct its next regular nominations and election under the Secretary's supervision, as specified in the stipulation between the parties.

33. Printing Specialties and Paper Products Union 507, International Printing Pressmen and Assistant's Union of North America, Kalamazoo, Mich. : June 17, 1963, W.D. Mich., S. Div. Pursuant to an order of the court entered on June 25, 1963, and a stipulation filed by the parties, an election for officers was held on August 14, 1963, under the Secretary's supervision.

34. Local 69, United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry, Jersey City, N.J. : July 5, 1963, D.N.J. On December 28, 1964, the court granted the Secretary's motion for summary judgment, and ordered the union to conduct new nominations and an election under the Secretary's supervision.

35. Local 424, Teamsters, Warehousemen, Helpers and Production Workers, Independent, Huntington Station, N.Y. : July 9, 1963, E.D.N.Y. Pursuant to an order of the court entered on October 15, 1963, and a stipulation filed by the parties and approved by the court, an election was held on December 20 and 22, 1963, under the Secretary's supervision.

36. International Union of Guards and Watchmen, San Francisco, Cal. : July 30, 1963, N.D. Cal., S. Div. Pursuant to an order of the court entered December 13, 1963, and a stipulation filed by the parties and approved by the court, a mail ballot election to select two vice presidents and five delegates to the International Union Convention was concluded March 20, 1964, and on April 14, 1964, Convention delegates and International Officers held a secret ballot election to select an International President and a Secretary-Treasurer, both rerun elections conducted under the Secretary's supervision.

37. Southern Association for Transportation Employees, Jackson, Miss. : October 25, 1963, S.D. Miss., Jackson Div. On August 31, 1964, the union stipulated that it would amend its constitution and bylaws to provide for new nominations and an election of its general officers in accordance with the provisions of Title IV of the LMRDA. It also agreed to conduct a new election under the Secretary's supervision.

38. Local 169, Laborers' International Union of North America, Reno, Nev. : November 27, 1963, D. Nev. On November 15, 1965, the court set aside the challenged 1963

election and ordered the local to conduct its regular 1966 election under the Secretary's supervision.

39. Local 7, Brotherhood of Carpenters and Joiners, Minneapolis, Minn., and Twin City Carpenters District Council, St. Paul, Minn. : December 27, 1963, D. Minn., Fourth Div. On February 18, 1965, the court ordered Local 7 to conduct new nominations and an election of local officers, council delegates, and business representatives under the Secretary's supervision. The order was based upon a December 18, 1964, stipulation between the parties, which also provided that the council would conduct a new officer election within 30 days after completion of Local 7's new election. The local's election was conducted April 9 and 10, 1965, and the council's election in May, 1965.

40. Local 163, International Brotherhood of Electrical Workers, Wilkes-Barre, Pa. : January 25, 1964, M.D. Pa. at Scranton. On March 30, 1965, the court ordered the union to conduct its upcoming regular nominations and election under the Secretary's supervision. The order was based upon a March 26, 1965, stipulation between the parties.

41. Local 66, Glass Bottle Blowers Association, Washington, Pa. : March 6, 1964, W.D. Pa. On July 2, 1965, the court ordered the union to conduct an election for the office of president under the Secretary's supervision. The order was based upon a June 28, 1965, stipulation between the parties.

42. Carpenters District Council of Suffolk County, United Brotherhood of Carpenters and Joiners of America, Medford, N.Y. : March 27, 1964, E.D. N.Y. On August 5, 1965, the court entered an order enjoining the Council from conducting its June 1966 election and all subsequent elections contrary to the terms of the stipulation between the parties. In accordance with the stipulation, the Council agreed to remove the restrictions whereby it required that

nominations for office in the Council must arise from the local union in which the nominee holds membership, so as to permit nominations for such office by any component local union without regard to whether the candidate for office in the Council holds membership in such component local union.

43. Local 847, Independiente de Santa Isabel, Santa Isabel, P.R. : April 14, 1964, D.P.R. On December 29, 1964, the court set aside the challenged election and ordered the union to conduct a new election under the Secretary's supervision. The order was based upon a December 22, 1964, stipulation between the parties.

44. Midwestern States Regional Council No. IV, International Woodworkers of America, Wausau, Wisc. : April 30, 1964, W.D. Wisc. On July 29, 1965, the court ordered the Council to conduct its next regularly scheduled election under the Secretary's supervision. The order was based upon a July 29, 1965, stipulation between the parties.

45. Local Unions 545, 545A, 545B and 545C, International Union of Operating Engineers, Syracuse, N.Y. : May 7, 1964, N.D.N.Y. On December 5, 1966, the court entered an order declaring the challenged election void and directing the conduct of a new election under the supervision of the Secretary.

46. Pacific Coast District, National Marine Engineers Beneficial Association, San Francisco, Cal. : May 19, 1964, N.D. Cal., S. Div. On January 28, 1966, the court dismissed the suit on the basis of a stipulation between the parties. The stipulation provided that the union would conduct its next regularly scheduled election beginning in June 1966 in accordance with the LMRDA and its constitution and bylaws as amended since the 1963 election.

47. Union de Operadores y Canteros de la Industria del Cemento de Ponce, Independiente, Ponce, P.R. : May 22,

1964, D.P.R. On May 11, 1966, the court approved a stipulation dismissing the suit.

48. Republic Lodge 1987, International Association of Machinists, Huntington, L.I., N.Y. : June 30, 1964, E.D.N.Y. Dismissed on July 26, 1966, pursuant to stipulation providing that the union would conduct its next election in accordance with the Act.

49. Research Development and Technical Employees Union, Arlington, Mass. : July 30, 1964, D. Mass. A stipulation of settlement was filed September 20, 1965. It provided that if the union's membership adopted a constitutional amendment permitting any member in good standing to be eligible to be a candidate for the executive board (as recommended by the union's executive board), the parties would agree to dismiss this action without costs. The amendment was adopted at the union's December 1, 1965, membership meeting. A stipulation of dismissal, dismissing the action with prejudice, was filed January 20, 1966.

50. Trans World Airlines Local Council 24, Air Line Pilots Association, International, New York City, N.Y. : September 18, 1964, E.D.N.Y. On May 10, 1966, the court ordered the union to conduct a new election within 150 days under the Secretary's supervision. The order was based upon a May 9, 1966, stipulation between the parties.

51. Union de Empleados de la Industria del Cristal, Guaynabo, P.R. : November 9, 1964, D.P.R. Default judgment entered February 24, 1965. On May 5, 1965, the union conducted a new election of officers under the Secretary's supervision, as ordered by the court.

52. Local Unions No. 12, 12-A, 12-B, 12-C, 12-D, and 12-E, International Union of Operating Engineers, Los Angeles, Cal. : April 14, 1965, S.D. Cal., Cent. Div. Consent judgment entered December 19, 1966, directing union to con-

duct its next regularly scheduled election pursuant to a stipulation between the parties.

53. Local 15, Insurance Workers International Union, Detroit, Mich. : December 11, 1964, E.D. Mich., S. Div. On October 26, 1965, the court approved a stipulation between the parties and ordered the union to conduct its next regularly scheduled election under the Secretary's supervision.

54. Local 873, United Papermakers and Paperworkers, Prichard, Ala. : December 31, 1964, S.D. Ala., S. Div. The union conducted its next regularly scheduled election on November 3, 1965, and a runoff election on November 17, 1965. It appeared to the Secretary that the new election was conducted in substantial compliance with the LMRDA, and no complaints were filed. On February 23, 1966, the court approved a stipulation dismissing the suit.

55. Air Transport Local 515, Transport Workers' Union of America, Arlington, Mass. : March 8, 1965, D.Mass. A consent decree entered on September 19, 1966, ordered the conduct of a supervised election.

56. Independent Service Employees Union, Long Island City, N.Y. : April 13, 1965, E.D.N.Y. On June 1, 1965, the union stipulated that its April 15, 1965, election was null and void, and agreed to the entering of an order directing it to conduct an election of officers under the Secretary's supervision within 75 days. On October 21, 1965, the court entered an order directing the union to show cause why it should not be held in contempt for failing to comply with the June 1, 1965, order. On November 22, 1965, the court adjudged the union in contempt for disobeying the June 1, 1965, order. On December 6, 1965, the court ordered that the union and its incumbent officers "'may purge themselves of this contempt by conducting an election'' under the Secretary's supervision within 60 days. The election was conducted February 8, 1966.

57. Office Employees' Association, Independent, Whiting, Ind.: June 4, 1965, N.D. Ind., Hammond Div. On September 14, 1965, the court set aside the challenged election and ordered the union to conduct a new election under the Secretary's supervision.

Category II

Cases in which the Secretary was *unsuccessful* in obtaining the relief sought for reasons other than mootness.

1. Laborers' International Union of North America, Local 11, Pittsburgh, Penn. : October 21, 1960, W.D. Pa. Union's motion for summary judgment was granted on October 5, 1962, on the ground that the evidence did not disclose a violation which may have affected the outcome of the election.

2. Local Unions 9, 9-A, 9-B, and 9-C, International Union of Operating Engineers, Denver, Colo. : December 6, 1963, D. Colo. The court held that the Secretary was precluded from challenging election contests as to which there was no internal union exhaustion of remedies but ordered a rerun for one office which had been protested. Subsequently, the litigation was terminated in this Court upon a joint suggestion of mootness. 387 U.S. 96.

3. National Cash Register Employees Independent Union, Dayton, Ohio. : February 14, 1964, S.D. Ohio, E.Div. Defendant's motion for summary judgment granted on April 10, 1967.

4. Local 116, Glass Bottle Blowers Association, Huntington, W.Va. : April 10, 1964, S.D.W.Va. Dismissed without prejudice on April 5, 1967.

5. Union de Operadores y Canteros de la Industria del Cemento de Ponce, Independiente, Ponce, P.R. : May 22,

1964. Dismissed with prejudice by Secretary on ground that in ancillary proceeding the complainant's expulsion from the union had been upheld.

6. Local Unions Nos. 406, 406-A, 406-B, and 406-C, International Union of Operating Engineers, New Orleans, La. : May 22, 1964, E.D. La., New Orleans Div. The court declined to set aside the election because the complainants had not protested the candidate eligibility qualifications in their internal protest to the union. On May 23, 1966, the court entered judgment dismissing the suit.

7. Local 84, Glass Bottle Blowers Association, Kansas City, Kansas. : June 3, 1964, D. Kans. Dismissed by stipulation on April 6, 1967.

8. Great Lakes District Local No. 47, International Organization of Masters, Mates and Pilots, Cleveland, Ohio. : November 9, 1964, N.D.Ohio, E. Div. On December 9, 1965, the court granted the union's motion for summary judgment and dismissed the suit. The court held that the member's complaint to the union was untimely, thus rendering ineffective his later complaint to the Secretary. An order of dismissal was entered December 13, 1965.

9. Local 1466, United Steelworkers of America, Bessemer, Ala. : December 22, 1964, N.D. Ala., S. Div. On December 14, 1965, the court dismissed the suit, holding that it lacked jurisdiction because the complainant failed to exhaust his internal union remedies.

10. Local 386, Utility Workers Union of America, Boston, Mass. : March 22, 1965, D.Mass. The Secretary's motion to dismiss, based on the ground that the complainant had been elected in the union's next regularly scheduled election, was granted on November 17, 1966.

Category III

Cases in which the issue of mootness presented an impediment, in whole or part, to the Secretary's obtaining relief.

1. Local 30, International Union of Operating Engineers, New York City, N.Y. : October 8, 1962, S.D.N.Y. The district court denied the relief sought by the Secretary on the ground that the Government "failed to sustain its burden of proof, specifically required by the statute, that the violation 'may have affected the outcome of the election'." On appeal, decision vacated and case dismissed as moot.

2. Local Unions Nos. 410, 410-A, 410-B, 410-C, International Union of Operating Engineers, Binghamton, N.Y. : November 26, 1962, N.D.N.Y. November 9, 1964, the court denied the Secretary's motion for summary judgment. On July 15, 1965, the court dismissed the suit, holding that the Secretary had not shown by a preponderance of the evidence that the alleged violation may have affected the outcome of the election. On appeal, decision vacated and case dismissed as moot.

3. Local Unions 18, 18A, 18B, and 18C, International Union of Operating Engineers, Cleveland, Ohio. : January 25, 1963, N.D. Ohio, E. Div. Dismissed for mootness on July 28, 1966. A second complaint based upon a member's complaint against the Locals' August 1965 election was filed on March 7, 1966.

4. Local Unions Nos. 825, 825-A, 825-B, and 825-C, International Union of Operating Engineers, Newark, N.J. : May 23, 1963, D.N.J. On June 24, 1966, the court dismissed the original and supplemental complaints. It found the union violated section 401(e) in its 1962 election by failing to notify its members of the requirement that candidates must file declarations of candidacy in January to be eligible for nominations in May, but held the evidence failed to establish the necessary effect upon the outcome

in either election. The court held further that the question of improper notice in the 1962 election became moot because of the adequacy of notice given in the 1965 election.

5. Local 125, Laborers' International Union of North America, Youngstown, Ohio. : February 7, 1964, N.D. Ohio, E. Div. The instant case.

6. Local Union No. 559, United Brotherhood of Carpenters and Joiners of America, Paducah, Kentucky. : March 7, 1964, W.D.Ky., at Paducah. On October 27, 1965, the court overruled the union's motion to dismiss the suit for mootness. On January 3, 1966, the court ordered a new election for Financial Secretary-Business Representative under the Secretary's supervision.

7. Local 153, Glass Bottle Blowers' Association, Washington, Pa. : March 31, 1964, W.D. Pa. No. 57 in this Court.

8. Local 1291, International Longshoremen's Association, Philadelphia, Pa. : May 25, 1964, E.D. Pa. An order was entered on December 22, 1966, dismissing the case as moot because of the conduct of the union's next regularly scheduled election. The case is on appeal to the Court of Appeals for the Third Circuit and is being held in abeyance pending the outcome of the instant case and No. 57.

APPENDIX C

REPORT OF THE GENERAL EXECUTIVE BOARD

St. Louis, Missouri • October 17-21, 1966

To the Officers and Delegates in Attendance at the Fifteenth Convention of the Laborers' International Union of North America

Greetings:

The General Executive Board of the Laborers' International Union of North America hereby submits its report to the Fifteenth Convention of the said International Union, consisting of copies of the Minutes of regular and special meetings of the said Board since the last Convention of this International Union held in Chicago, Illinois, October 16-20, 1961. Because of the great number of appeals cases considered by the Board in the past five years, and the increased expense which printing of same would occasion, we have decided to omit the cases from this printed report. Nevertheless, all of the appeals cases are deemed by the Board to be incorporated herein by reference, and they will be made available to, and same will be reviewed by the Convention Committee on the General Executive Board's Report.

During the five years which have elapsed since our last convention, we have moved from the ranks to the vanguard of the labor movement. This movement to more active participation in the mainstream of economic, political and organizational affairs was made possible by the action of the delegates at the 1961 Convention and the best methods of implementing them will be reflected in these minutes.

In addition to these critical matters of policy, a significant portion of our time and energy was devoted to interpreting and enforcing the organic law of the Union in considering matters raised on appeals. Pursuant to designation by the General President, members of the Gen-

eral Executive Board sat as Panel Members to hear appeals approximately once every three months. This policy of holding quarterly hearings on pending appeals antedates the requirements of federal law providing that hearings of cases and disposition of appeals, under the terms of the Labor-Management Reporting and Disclosure Act of 1959, be rendered to an individual member essentially within a ninety-day period.

Since the last Convention we, as members of the General Executive Board, have considered and decided 813 cases which have been presented to us on appeal. Of this number, 359 cases dealt with protests of nomination and election within affiliated Local Unions and District Councils; 328 involved miscellaneous matters arising upon charges initiated within affiliated Local Unions and District Councils; 38 cases dealt with jurisdictional disputes between affiliates; 51 cases were concerned with orders to show cause in connection with amalgamations, mergers, or revocations of charters; 15 cases pertained to appeals from decisions of the General President, and in 22 cases the appellants requested permission to withdraw their appeals. While the time and expense involved in preparing and hearing the various appeals and in the preparation and submission of reports by the Hearings Panels to the Board is not inconsiderable, such expenditures are, in the Board's opinion, worthwhile and necessary.

Thus, although statistics can, at times, be misleading, the experience of the Board in terms of challenges to its decisions attests to the fairness of its hearings precedures and the justness of its decisions. In the five years since our last convention, of the 813 cases presented to the General Executive Board for consideration, 359 cases involved protests of nomination and/or election procedures. These are the types of cases which are potentially subject to complaint to the Department of Labor under the election pro-

visions of the Landrum-Griffin Act. These 359 cases break down as follows:

19—appeals were withdrawn
95—appeals sustained
245—appeals denied

With respect to the 114 cases which were either withdrawn or sustained, the files were closed and no further complaints were taken to the Department of Labor. The significant figure, however, is that of the 245 cases in which appeals were denied and which were therefore subject to further complaint to the Department of Labor, only 7 cases resulted in litigation following investigation by the Department of Labor, and of these 7 cases the Courts fully approved the decisions reached by the General Executive Board in all but 3 cases. In no case did a court order a special election. We cannot help but express some little pride in our processes and the feeling that our time and effort was well expended.

As well-oiled as our appeals machinery may be, however, there is always room for improvement and innovation. The basic need is for more time. There are just so many hours available and, like a pyramid, if the caseload is increased at the bottom there is a corresponding upward increase in pressure upon the available time of the Board Members. While there are numerous ways to meet these demands in the disposition of the cases, good conscience requires that we give every case, of whatever nature, the kind of thoughtful deliberation which it deserves. Accordingly, in an effort to effect such economies without depreciating quality, the Board, in the early part of this year, gave consideration to the establishment of a fourth Hearings Panel. With this additional panel complementing the other three Panels which hear cases in the Eastern, Central, and Western Regions, the case load can be more equitably distributed among all the Panels and the

needs of the parties who are involved in appeals cases can be better accommodated. Such a fourth Panel will, in the future, be designated where conditions so warrant.

In sum, the past five years have presented to the members of the General Executive Board the unique opportunity of being in the responsible position of passing upon matters affecting nearly half a million members and their families. We realize that this is no small responsibility and we have deliberated and acted upon these matters with the solemnity and seriousness of purpose which they deserve. This report and the said minutes constituting the entire record of such deliberations and actions of the General Executive Board are submitted to this convention for its consideration and action.

APPENDIX D

Proposal No. 30

p. 6. Uniform Local Union Constitution

ARTICLE III, Section 1(h)

PROPOSED: At the end thereof, change the period to a comma and add:

> "provided, however, that any member who has not been suspended and is current in the payment of his dues shall not be deprived, where otherwise qualified, of his right to vote in a regular election of the Local Union."

As so amended, it will read as follows:

> "(h) No person shall be clothed with or acquire or retain the right of membership unless payment of his initiation fee, readmission fee and per capita tax is received by the International Union when due, *provided, however, that any member who has not been suspended and is current in the payment of his dues shall not be deprived, where otherwise qualified of his right to vote in a regular election of the Local Union.*"

* * *

Proposal No. 35

p. 13. Uniform Local Union Constitution

ARTICLE IV, Section 3 D (k) now reads:

> "(k) He shall promptly report to the General Secretary-Treasurer all transfers by members into or out of the Local Union; all members suspended for nonpayment of dues or otherwise, or expelled; all members deceased and the dates of death."

PROPOSED:

> "(k) He shall promptly report to the General Secretary-Treasurer all transfers by members into or out of the Local Union; all members *to be* suspended for

non-payment of dues or otherwise, or expelled; all members deceased and the dates of death."

* * *

roposal No. 45

pp. 23-24. Uniform Local Union Constitution

ARTICLE VI, Section 3(d) now reads:

"(d) As each member in good standing appears for the purpose of voting, he shall report to the Secretary-Treasurer and identify himself. The Secretary-Treasurer, together with a Judge of Election, shall then determine whether such person is a member in good standing of the Local Union and entitled to vote. As each member is qualified, he shall be required to sign his name and book number on a Membership Voting Register, which Register, when the voting has been concluded, shall then be signed, at the end thereof, by the Secretary-Treasurer and the three Judges of Election."

PROPOSED:

To delete fifth line from the top of page 24, which reads: "A member in good standing of the Local Union and . . ." and substitute the following clause: *"Current in the payment of his dues and otherwise qualified and . . ."*

The second sentence of Section (d) would then read:

"The Secretary-Treasurer, together with a Judge of Election, shall then determine whether such person is current in the payment of his dues and otherwise qualified and entitled to vote."

(The remainder of the section remains unchanged)

* * *

Proposal No. 48

p. 30. Uniform Local Union Constitution

ARTICLE VIII, Section 5 now reads:

"Section 5. The monthly dues are due on the first day of the month and unless paid on or before the last day of the following month, the member shall be considered to be in arrears and suspended without notice."

PROPOSED:

"Section 5. The monthly dues are due on the first day of the month and unless paid on or before the last day of the following month, the member shall be *subject to be suspended by the International Union* without notice."

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Proposal No. 50

p. 31. Uniform Local Union Constitution

ARTICLE VIII, Section 7, last sentence thereof, now reads:

"Once the member has defaulted in the payment of dues, as herein provided, the date of suspension referred to in this Section, shall be the first day after the month for which the member's dues were last paid."

PROPOSED:

"Once the member *has been suspended for defaulting* in the payment of dues, as herein provided, the date of suspension referred to in this Section shall be the first day after the month for which the member's dues were last paid."

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